the mouth of the Imnaha River, could spell disaster to the salmon fishery.

Frankly, it isn't worth the risk. With all the new developments in thermo-nuclear power, surely some alternative to another dam on the Middle-Snake can be found. In spite of the arguments supporting the efficiency of hydro-electricity for peaking power and all the energy going to waste in a fast-flowing stream like the Snake River, there are some things that are irreplaceable. We cannot afford to gamble any further with the Columbia River salmon fishery.

Few persons realize the beauty and ruggedness of the Middle-Snake River itself. Deeper than the Grand Canyon, this turbulent river flows between steep cliffs and spectacular scenery considered by many to be the most beautiful in the West. It has been proposed as one of the first additions to our new system of National Rivers under a law passed by the 90th Congress. Senators Len Jordan and Frank Church of Idaho have advocated a ten-year moratorium on any more Snake River dams. Any proposal that would rule out further damming of this river would be welcomed.

If the agreement between the Secretary of the Interior and the power companies implies a reprieve or delay in authorization of a dam, as announced, it would be welcomed, but with everyone in accord as to location, either High Mountain Sheep or Appaloosa dams became frightening possibilities. Conservationists hope that the new Congress will act promptly to safeguard this mighty river. There should be no more dams on the Snake River. Since salmon cannot speak, we must speak for them.

FREEDOM'S CHALLENGE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. ROGERS of Florida. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy contest. More than 400,000 students participated in this contest this year.

I am proud to announce that of the 50 young people who will come to Washington representing their States, John O'Brien, of West Palm Beach, will represent Florida.

At this time I would like to include in the RECORD the speech which Mr. O'Brien wrote entitled "Freedom's Challenge." I think it is a very meaningful speech which will have interest for all of my colleagues:

FREEDOM'S CHALLENGE

America has for all of its history defended its freedom against an onslaught of challengers. Our people fought against the tyranny of King George, who challenged our freedom; the pirates of the Mediterranean, who denied us freedom of the seas; the terror of slavery which denied freedom to so many; the tyranny and oppression of Hitler and the Nazis; and today the growing threat of communism. All of these challenges we have so far met successfully.

But today we face what is perhaps the greatest challenge the world has ever known. It is not a visible challenge, and it does not exist in a foreign country. This challenge exists here at home: It exists in each and everyone of us to some degree. The greatest challenge to freedom in our country today is the apathy of our own people.

There are too many people in this nation who have adopted a "Let George do it" attitude. Today it seems that when there is a piano to move everyone wants to carry the stool. In our country there are too many people who just don't care.

Why is this a challenge? Because of the effects this apathy has brought about. Those age old qualities of love of country and of flag seem to exist no more. The American virtue of patriotism is seemingly going. Today, the American Flag, which for nearly two hundred years has stood for Justice, Equality, and Freedom is now spat upon, torn, and burned. And what hurts most of all, is that the people desecrating the flag are not communists or fascists, but merely misguided young Americans. Our leaders are no longer respected, but are often regarded with hatred; and we wonder why? Because people do not care. The Star Spangled Banner is something they play at the beginning of a baseball game and that's all it is today.

How can we combat this apathy in our country today? There are two courses open to us. The first course of action open to us is this: We must foster patriotism in our nation, by our own example, primarily. We must show that love of country is not something to be ashamed of. We must take the first step. We do not need speeches now, but action.

If we live as true Americans, everyday of our lives, then those around us will certainly learn what a true American really is. If we exhibit the qualities which made this country great, then those around us will learn what qualities we must possess to make this country even greater. However, the process does not stop here. In our schools, from Kindergarten to College, we must assure that a true picture of our country is presented. We must assure that our educational system fosters patriotic activity, and then provides an opportunity for the exercise of that patriotic activity. Our schools must lay the foundation for the construction of good Americans. Once the foundation has been established, it is then our example which will enact the actual construction of good Americans. We must show people what freedom is and how it works. And once this has been done we need never again witness an American destroying an American flag, never again will a soldier, who has risked his life in the defense of freedom, be called a pig or a fascist on his return home. And never again will we witness the obstruction of the president's car in a motorcade.

It is indeed a mammoth task. It will take blood, sweat, tears, and hard work, and perhaps more than anything else it will take time. But it's worth it. The freedom of our country has been preserved against the challenges of the past. I am confident that the American People can meet this new challenge successfully. But only if we act.

Of course, there is always the second course of action, we could just sit back, and look at what is happening in our country today, and we could yawn. The choice is ours.

WANTED: TRUTH IN RENTING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. ROSENTHAL. Mr. Speaker, I am today reintrodueing the Truth-in-Renting Act, a bill that will bolster the bargaining position of the tenant in his negotiations with the landlord. The aim of this legislation is to promote the right of prospective tenants to full and accurate information regarding rental contracts. The provisions of this bill will cover only those apartments contained in multifamily rental housing where the mortgage guarantee insurance is held by the Federal Housing Administration.

I liken a prospective tenant to the consumer who has recently gained a modest degree of assistance in his purchasing activities by the Truth-in-Packaging Act and the prospective borrower who should soon be getting an even break with the enactment of the truth-in-lending bill. Both Presidents Kennedy and Johnson time and time again enunciated that the right to be informed lies at the very heart of a buyer-seller relationship, and it is this principle which underlies my proposed legislation.

It is my conviction that the prospective tenants, as well as prospective purchasers and prospective borrowers, are all well equipped to make economic value judgments, providing they have in their possession accurate, honest, and complete information about the prospective contract.

In brief, this bill will assist prospective tenants, in multifamily rental housing in which the FHA is the insurer of the mortgage, by making it mandatory on behalf of the owner to include in an advisory memorandum attached to the rental application and lease agreement: First, all relevant information concerning FHA-approved rent schedules; and, second, a brief, simple and clear summary of the significant portions of the prospective lease agreement.

The legislation empowers the Secretary of the Department of Housing and Urban Development to set uniform standards governing the information which must be set forth in the advisory memordandum. The bill also provides that where the owner of an FHA-insured multifamily dwelling applies for a rental increase above the FHA-approved rent schedule, a public hearing must be held and the tenants must receive notice of such hearing and be given an opportunity to participate therein.

This legislation, of course, would apply only to properties constructed and mortgages insured subsequent to the date of this act. However, the bill gives the Secretary authority to establish regulations to make the provisions of this act operative for properties presently covered by FHA mortgages.

To highlight the need for immediate enactment of this bill. I would like to describe a dramatic instance of misrepresentation by a landlord that occurred a year and a half ago. A large middle-income apartment complex in my congressional district, insured by the FHA, was completed in the fall of 1964, during a period when there was an abundance of vacant dwelling units. The FHA fixed maximum ceilings for the various apartments after the usual consultation and consideration of costs and operating expenses. In order to compete with other available housing and to obtain quick occupancy of the project, the landlord engaged in an operation which in the used-car industry is known as "low-balling." He advertised the apartments

at less than the FHA-approved rental schedule. Prospective tenants were impressed with the reasonable rates. Although they thought they were receiving a "good deal," in the long run the tenants suffered. Prior to signing the lease, they were led to believe that the rents offered were the FHA-approved rentals; therefore, they felt justified in relying on a continuance of these rents after the expiration of their leases. Of course, they understood that there was a possibility for an upward adjustment of their rents at the termination of these leases, but one that would be modest. Having no reason to expect soaring rents, the tenants made extensive investments by furnishing and decorating their apartments, became involved in community life, and enrolled their children in local schools. But when the leases expired, they received the hammer blow. The landlord, as a condition for renewal of the leases, advised tenants that rents would be increased from 31 to 45 percent. He did this notwithstanding the fact that he had told the FHA, in writing, that the increase would be from 10 to 15 percent.

During this period, the landlord, having received less income than anticipated by the FHA schedule, received approval from the FHA for a deferment of payment of principal on the mortgage of these dwellings. Ironically, the FHA, rather than the landlord, was underwriting the initial rent advantage gained by the tenants.

The consequence of this situation, in a nutshell, is this: The tenants, while gaining a momentary advantage on their rents, were faced with totally unexpected 31- to 45-percent rent increases, and many of them found themselves unable to carry this additional financial burden. They were caught between the devil and the deep blue sea—either they had to continue to pay a rent they could not afford or leave the premises, suffering all the attendant expenses and discomforts that such removal causes.

Since that time, the landlord of this apartment complex made the meager concession of offering the tenants time to look for other accommodations. A 1-year lease was offered to those who wanted it. For those who opted to stay, he prorated the increase over 3 years—and by the third year, his 40-percent increase was complete.

The victims of events such as the one I just related are not a group of transients. For the most part, they are people who intend to remain in their new apartments for many years and are people who would provide stability to their community. If they are uprooted from their homes, we are all affected. Should landlords of FHA-insured housing be permitted to mislead tenants into thinking they have a good deal by offering rents far below the FHA ceiling—rents that suddenly soar after the lease expires—we will witness an increase in the flow of middle-income groups from urban areas. If this flight is stepped up, the city will become the home of only the very rich and the very poor.

The problem I have related here is as serious today as it was a year and a half ago. And it is not an isolated local problem. It is neither unique to this 750-family development nor to my congressional district. Within the city of New York there are 93,000 rental units and some 554,000 within the United States that would be covered by the provisions of this Truth-in-Renting Act.

In short, not only the tenant's interest, but the national interest as well, requires a new impetus to provide information to the prospective tenant, information that will enable him to clarify his needs and his priorities when seeking housing.

This bill proposes to cure the inability of the prospective tenant to fully comprehend the terms of the agreement that will bind him under his lease. It requires the owner to supply him with adequate information concerning his prospective tenancy and the contents of the proposed lease. This will enable the tenant to make an intelligent determination as to whether or not the terms and conditions by which he will be bound under the lease are those which he is prepared to accept.

Under current renting procedures for the type of housing covered by this bill, a prospective tenant is usually shown either a model apartment or plans. He is also advised of the rent and frequently told by a renting agent of the terms and conditions of the proposed rental agreement. Upon oral acceptance of the deal the tenant will sign a rental application and offer a deposit. The rental application will frequently bind the tenant to execute a lease, or, failing that, forfeit the deposit. In practice, tenants cursorily examine the rental application and pay even less attention to a long, involved, small-print hard-to-understand lease.

Needless to say, it would require a book the length of "Gone With the Wind" to report in detail the many representations that renting agents have made to prospective tenants to solicit their tenancy. A zealous renting agent, anxious for a commission, frequently makes exaggerated promises and conscious misrepresentations.

Often such leases have automatic rent-escalation clauses and numerous other clauses that could be detrimental to the prospective tenant. This bill requires that a simple summary of the terms and conditions of the lease be affixed to the rental application. The tenant will then have the opportunity to read the summary prior to the execution of the rental application and the tendering of a deposit. Thus, his subsequent decision as to whether or not to enter into a contract with the owner will be based on a critical evaluation of pertinent facts, and their relationship to his needs.

The bill would also provide additional insurance for tenants against unfair and unjustified rent increases by permitting them to be parties to any proceedings by which the FHA approves a rent increase. No increase in the rent above the ceilings set in the rent schedule can be approved by the FHA without a public hearing. This hearing must be held in the community where the property is located, affording an opportunity for all tenants to present their views before the Secretary of Housing and Urban Development or the FHA Commissioner makes a determination.

This proposal is consistent with the [illegible] proposition President Kennedy set forth in 1962 that consumers not only have the right to be informed, but, equally important, are entitled to be heard in decisions affecting their interest. It is my view that as long as a Government agency, in this instance the FHA, is to make decisions affecting the rights of tenants, then the tenants have an absolute right to participate in the decision-making process.

It is true that rent increases may be justified following increases in municipal and local taxes or increases in the cost of operating the property. Surely no one can complain if such bills, documents, and tax assessments are presented in public hearings. In my judgment, this procedures will promote a favorable land-lord-tenant relationship by dispelling suspicions that arise from one-sided participation.

This Truth-in-Renting Act does not in any way handicap the normal opportunities for a landlord and tenant to enter into a contract of lease. Nor is it a step toward national rent control. It does not create hardships on landlords; it poses only simple obligations that can easily be met will in no way impair the economic viability of their investments. As long as a builder, developer, or landlord seeks the assistance of the Federal Government by way of insurance of a mortgage, we must insist that he and the agency insuring the mortgage provide the tenants with adequate information to balance the scales of the economic relationship.

In summary, I would urge my colleagues to extend to the housing field a praiseworthy trend that has taken place in other areas of consumer concern. "Let the buyer beware" has been rejected as the slogan of the marketplace. It is our responsibility to carry forward the converse of that theme: "Let the buyer know." The enactment of the Freedom of Information Act, which requires agencies of the Federal Government to make available information and records within their possession is evidence of our recognition of the public's right to be informed.

I seek nothing more than to permit a prospective consumer-tenant to make an intelligent decision based on sufficient and adequate information. We must keep in mind that informed choice by a consumer and a prospective tenant lies at the heart of a free and competitive economy.

OTTO OTEPKA: COUNTRY ABOVE POLITICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. RARICK. Mr. Speaker, the intrigue surrounding Otto Otepka continues to be stranger than fiction.

Why must Otto Otepka continue to suffer for placing his country above partisan politics?

His last remaining appeal is to the American people—by telling them the full story. Otto Otepka has kept faith with his fellow countrymen. Let us hope

the American people will not abandon this dedicated civil servant.

Mr. Speaker, I have introduced H.R. 6787 which would protect Federal employees from dismissal or discipline for testifying before a congressional committee. This is the same bill introduced by the then Senator Richard Nixon—S. 1390—in the first session of the 82d Congress.

I include news clippings on the tragic betrayal of Otto Otepka, the text of H.R. 6787, and Senator Nixon's remarks upon introducing S. 1390, as follows:

[From the Chicago Tribune, Mar. 2, 1969]

OTEPKA FINDS WHY JOB DENIED

(By William Edwards)

WASHINGTON, March 1.—On Jan. 21, the day after President Nixon's inauguration, Secretary of State William P. Rogers had already made up his mind that he did not want Otto F. Otepka in the state department.

If Otepka would resign his post, Rogers informed Otepka's attorney on that date, he would help him get a job in private industry. His retention would create too many problems with holdover officials, Rogers contended.

REFUSES TO QUIT

When Otepka refused to surrender in his five-year battle for vindication, Rogers notified him on Feb. 21 that his appeal for reinstatement had been rejected.

These and other heretofore hidden details of his post-inaugural negotiations with the Nixon administration have been revealed by Otepka. He also included them in a record memorandum for his lawyer, Roger Robb, in which he announced his intention to appeal for justice to the federal courts.

Otepka faced another blow in pursuing this appeal, it was learned. Robb, the attorney most familiar with the celebrated case, is under consideration for appointment by Nixon to a federal court of appeals vacancy. If he goes on the bench, he will have to withdraw from the case.

If new counsel becomes necessary, James M. Stewart, head of the American Defense fund, Palatine, Ill., which has already raised $27,000 for Otepka's legal expenses, said the necessary arrangements will be made. He has been deluged with offers of aid since Rogers appeared to end all hopes for Otepka's reinstatement.

OTEPKA IS UNPERTURBED

Unperturbed by a series of setbacks which would have reduced a lesser man to despair, Otepka disclosed the latest chapter in what has been termed by the Senate internal security subcommittee, "The Otepka Tragedy."

It began more than 8 years ago, in December, 1960, when Otepka was asked by Robert F. Kennedy, attorney general-designated, to waive security investigations for a number of state department appointees. He refused.

Otepka was then at the peak of his career as chief of security in the state department. He had received commendations from the Eisenhower administration for outstanding achievements.

A three-year ordeal followed during which he was demoted, put under surveillance, subjected to phone tapping, and finally, in November, 1963, fired for conduct unbecoming a state department officer.

REINSTATED IN 1967

A Senate inquiry branded his treatment "extraordinary and calculated harassment of a loyal and patriotic officer for conscientious performance of his duties." In December, 1967, after four years of hearings, Secretary of State Dean Rusk was forced to cancel the discharge but ordered a severe reprimand, a $6,000 cut in salary, and stripped him of security assignments.

Otepka went on a leave-without-pay basis, refusing to accept clerical duties assigned him. He looked forward to reconsideration of his case under a new administration.

He was fortified in this faith by a number of developments. In February, 1966, Nixon had personally told him he was acquainted with the facts in his case and advised: "Stay in there and fight."

NIXON VOWS ACTION

In October, 1968, Nixon pledged in an interview to "order a full and exhaustive review of all the evidence in this case with a view to seeing that justice is accorded this man who has served his country so long and so well."

Later that month, at a campaign stop in Mt. Prospect, Ill., Nixon was asked by Stewart, the defense fund raiser, about the Otepka case and responded: "I know all about that situation. I will help Otto Otepka after I get into office."

"You can imagine my dismay," said Otepka, "when I was told on Jan. 21 by my attorney, Mr. Robb, that he had been in touch with secretary Rogers and been told that he did not want me back in the office of security."

WORST NEWS WITHHELD

Robb, he later learned, had held back an even more crushing statement by the new secretary. He did not want Otepka back in the state department in any capacity but "offered to assist [Otepka] in locating a position in private industry."

Unaware that he had already lost his case and asked to outline what terms he would accept for a "settlement," Otepka prepared a memorandum which he submitted to Robb on Jan. 24.

In this paper, he acknowledged that his reinstatement as chief of evaluations, office of security, would pose problems because of the retention of Idar Rimestad as deputy under secretary for administration.

Rimestad would be his superior and Rimestad was linked with the long history of harassment outlined by the Senate inquiry.

HE OFFERS CONCESSIONS

Under these circumstances, Otepka said, he would accept a written decision declaring the actions taken against him by Secretary Rusk as "not consistent with the evidence" and restoration to his former position. He would then "immediately avail myself of any appropriate procedures to retire from the government service."

This accommodation was apparently not acceptable to Rogers. It would constitute repudiation of Rusk's actions and confirm the Senate's verdict of "calculated harassment."

On Feb. 22, Robb gave Otepka the bad news—Rogers had never wanted him back in the state department because "his presence would result in objections from some officers and he desired to avoid this problem."

"With no disrespect for Secretary Rogers," Otepka said, "I find his statements that he does not want me in any department job highly prejudicial, grossly unfair and completely uncalled for. It is in violation of civil service law.

"It was President Nixon, not Mr. Rogers, who promised a review of this case and that justice would be done. He also vowed during the campaign that, under his administration, all government employes would be guaranteed fair and impartial treatment by their employers, including the right to confront and cross-examine accusers.

CLAIMS RIGHTS DENIED

"This right was denied me by Secretary Rusk. As a consequence, no evidence went into the Civil Service commission hearings concerning the falsehoods surrounding the tapping of my telephone and the planting of materials in my trash bags, measures approved by high officials as part of a scheme to destroy my career as a security officer.

"Mr. Rogers now says he has reviewed the 'documentation' in my case. He did not mention in his letter whether he made this judgment with the advice and consent of the President."

Commenting upon Rogers' suggestion that Otepka might be granted administrative leave with pay while he pursued his court appeal, Otepka said:

"I want Mr. Rogers to understand that I do not need the government's charity. I desire only simple justice that will right a wrong committed against me and punish the real offenders.

"Instead of observing the impartiality required of a supervisor, Mr. Rogers appears to be behaving like Mr. Rusk and those he inherited from Mr. Rusk who had joined in seeking to oust me by any means, fair or foul.

"I cannot accept Mr. Rogers' offers of assistance. It would be a mistake for me to draw a government salary while appealing to the courts. The department could prevent my public appearances and statements to explain my case to the American people. I am sure the public wants to know why Mr. Rogers is trying to eradicate me and who it is that he is appeasing in the process."

[From the Manchester (N.H.) Union Leader, Feb. 25, 1969]

INTRIGUE IN OTEPKA CASE: ROBB TO BE MADE JUDGE

(By Edith K. Roosevelt)

WASHINGTON.—Otto F. Otepka's attorney, Roger Robb, is being made a federal judge in the latest intrigue to prevent Otto F. Otepka, conscientious security chief, from returning to The State Department where he would be in a position to impede or destroy Red infiltration.

The White House will make the announcement after President Nixon's return from Europe. Robb will then resign as Otepka's attorney and no member of the Robb firm will accept Otepka's case and he will be without an attorney.

Robb only informed his client on Saturday, Feb. 22 of the offer of the Judgeship which he said he intends to accept. However, unbeknown to Otepka, Robb was offered the post in late December last year. This was part of a package deal between President Nixon, Secretary of State William P. Rogers, U.S. Attorney General John N. Mitchell.

The Government Employes Exchange, a newpaper for federal employes published in Washington, D.C., wrote in its Feb. 5 issue that the State Department "has received repeated indications that Mr. Otepka's attorney, Roger Robb, was 'weary of the case' because of the time he had to devote to the Otepka case. The department knows positively that Mr. Robb is personally 'most loathe' to go into a long and time-consuming court fight, the source revealed."

Robb wrote Sidney Goldberg, publisher of the Government Employes Exchange, in a letter dated Feb. 7 denying that his "enthusiasm" for the Otepka case had anything to do with the size of the fee and the ability to pay of this client. (Robb has already received at least $28,000 from Otepka in this case which has been stalled from resolution).

Robb told Goldberg:

"The amount of my compensation has nothing to do with my devotion to Mr. Otepka's cause: In fact, if the need arose I would offer to represent him without compensation."

Otepka estimates that the cost of taking his case through the courts would amount to about $110,000. He has been on leave of absence without pay from the State Department. His movements have been under surveillance by scores of private detectives, FBI agents, CIA operatives and informers as well

as a surprising large number of friends in whom he confides. From their reports, a State Department source said that agency officials now believe that Otepka is both financially and emotionally exhausted, and is ready to give up the fight. The difficulty of finding a competent, courageous lawyer free of political ties, will be Otepka's next hurdle if he wishes to continue his fight for vindication and the restoration of his old job.

Thus far, Otepka's legal expenses have been paid by the American Defense Fund, headed by James M. Stewart of Palatine, Ill. Thousands of individual citizens have contributed.

[From the Government Employees Exchange, Feb. 19, 1969]

POWER STRUGGLE LOOMS OVER BEAM, OTEPKA, SONNENFELDT BETWEEN CONGRESS, STATE

A "violent storm" is brewing between the Nixon administration and Capitol Hill over the failure of the President and his Department heads to extend normal consultation courtesies to Senators and Congressmen, this newspaper was informed on February 15. Although the "storm" already encompasses more than one Department, it is becoming sharpest between the State Department and Capitol Hill over the issue of "excessive privilege" as defined by Secretary of State William P. Rogers, the informant said.

The first lightning flashes have already been seen privately in the tone of the letters between Capitol Hill and the White House concerning Ambassador Jacob Dyncley Beam, whom Secretary Rogers is supporting for the position of the next U.S. Ambassdor to Moscow, the source claimed.

The first reaction from the White House to the letters was "palned surprise" that the personnel dossier on Ambassador Beam sent to the President by the State Department did not contain such material on him as that which *The Exchange* had published more than a year ago, the informant stated.

JACOB BEAM

As readers of this newspaper will recall, Jacob Dyneley Beam was the American Ambassador at Warsaw during the outbreak of the notorious "sex and spy" scandals there in 1959–1961. Ineluded in these scandals were Foreign Service Officer Erwin Scarbeck who delivered secret documents to the Polish authorities after he was surprised and photographed naked in bed with his mistress, Urszula Discher. Mr. Scarbeck was subsequently convicted by a Federal court in Washington, D.C. and was sentenced to prison. Ambassador Beam testified during his trial.

Another Foreign Service Officer, Thomas A. Donovan, was also named during the hearings of the Senate Internal Security Subcommittee as having had sexual relations with Polish female intelligence agents. This newspaper reported that, although the State Department wished to re-assign Mr. Donovan immediately to Washington after his "liaison" was discovered, Ambassador Beam arranged with his former Princeton College "old schooi tie" classmates, Ambassador E. Allen Lightner Jr. and Foreign Service Officer Howard Trivers, to have Mr. Donovan transferred instead to Berlin, Germany, where Ambassador Lightner was chief of mission and Mr. Trivers was his Deputy Chief.

In Berlin, Mr. Donovan was placed in charge of the Eastern Affairs Division, which had supervision over all reporting concerning East Berlin and East Germany. In this role, Mr. Donovan received official documents recording telephonic intereepts by American intelligence officers of telephone conversations made between West Berlin and East Berlin and East Germany.

THOMAS A. DONOVAN

Because of his knowledge that these telephone intercepts were being made, Mr. Donovan went to Communist East Berlin to evade the telephonic monitoring of his own unauthorized telephone calls to Polish friends in Warsaw. These included his "girl friend" and such Polish officials as Jerry Michalowski, then the Director General of the Polish Foreign Ministry and today the Polish Ambassador in Washington, D.C.

During one of these telephone conversations, Mr. Donovan requested Ambassador Michalowski to instruct the Polish Military Mission in West Berlin to issue a visitor's visa to Mr. Donovan without the prior knowledge of American diplomatic officers in Warsaw so that Mr. Donovan could proceed there without their previous authorization. The Polish Military Mission honored the instruction of the Polish Foreign Ministry and issued Mr. Donovan the visa he desired.

When Foreign Service Officer Stephen A. Koczak reported these telephone calls to Foreign Service Officer Howard Trivers and to Ambassador E. Allen Lightner Jr., they accused him of trying to "stab Donovan in the back" and did not convoke any board of inquiry to ascertain the truthfulness of Mr. Koczak's allegations. Instead, they informed Mr. Donovan of Mr. Koczak's reports to them about him. Subsequently, Messrs. Donovan, Trivers, and Lightner destroyed the original pages of the efficiency report they had written in 1961 on Mr. Koczak, forged substitute pages, backdated these and inserted them into his efficiency report as if they had in fact been the original pages. In addition, Ambassador Lightner wrote an "Additional Reviewing Statement" to the effect that Mr. Koczak had read the entire report and had, in the course of interrogation, admitted to "tale bearing" and one instance of "intrigue" against Mr. Donovan. Mr. Koczak has repeatedly denied having made any such admission; he also denies ever having read the altered efficiency report prior to its dispatch to the State Department.

Despite Mr. Koczak's denials, he was fired by the State Department under the procedure of "selection out," a process which denies any formal appeals procedure to officers and does not permit confrontation and cross-examination.

Mr. Koczak's attorney, Marion Harrison, has repeatedly asked the State Department for admission or denial of these facts and, to date, the State Department has refused to comment on them.

SOVIETS BAEAK CODES

Another "disturbing item" in the letters of the Senators to President Nixon concerning Ambassador Beam, the source continued, was the charge that the Soviet Union broke the "top secret and secret" codes of the United States by implanting "listening devices" into the bricks ordered from Yugoslavia for the new American Embassy building built in Warsaw during the incumbency there of Ambassador Beam.

ELMER DEWEY HILL

After the Embassy's walls were erected, an "electronic survey" was conducted by State Department security electronics technician, Elmer Dewey Hill, to detect and eliminate any "bugging" devices. Mr. Hill found none. Thus the Soviet and Polish intelligence agencies successfully recorded the reading of the texts of American top secret and secret codes by the code clerks while doing the encoding and decoding. Subsequently, by comparing these with the transmitted messages, the Soviet Union broke the codes. This resulted in the breaking also of the major codes of the United States in messages being sent to Germany, Italy, France, England and Japan. Central Intelligence Agency telegrams and communications were "broken" in the same manner by the Soviet Union, the source revealed.

OTTO F. OTEPKA

Elmer Dewey Hill was subsequently instructed by Deputy Assistant Secretary of State for Security, John Reilly, to "bug", with the assistance of Clarence Jerome Schneider, the telephone and office room of Otto F. Otepka, the State Department's top security evaluator, the source continued. Mr. Hill later denied under oath that he had had this role but when George Pasquale, a friend of Mr. Otepka, obtained an admission from one of the participants, Mr. Hill recanted and admitted he had lied under oath. Subsequently, Mr. Reilly also recanted and both he and Mr. Hill resigned from the State Department.

A lawyer and protege of the late Senator Robert F. Kennedy, Mr. Reilly subsequently was given a job as a "hearing officer" with the Federal Communications Commission at the same salary he had before.

Mr. Otepka, on the other hand, was demoted and reprimanded by Secretary of State Dean Rusk for having told the truth "without authorization", to the Senate Internal Security Subcommittee.

WILLIAM P. ROGERS

The informant revealed further that Secretary Rogers was very upset about the attempt of the three Senators to influence President Nixon through correspondence to change his mind about appointing Ambassador Beam to Moscow. Secretary Rogers is known to have been personally very critical of the role Mr. Otepka played in cooperating with the Senate Internal Security Subcommittee and for "telling the truth" without authorization. According to the source, Secretary Rogers is of the firm opinion that Mr. Otepka should have refused to answer the questions posed to him by Julian Sourwine, the Subcommittee's chief counsel, on the grounds of "executive privilege", a doctrine which Mr. Rogers espoused and expanded during the Eisenhower administration when he was Attorney General.

As this newspaper reported in its February 5 issue, Secretary Rogers has already vetoed President Nixon's election promise to reexamine the Otto F. Otepka case. On January 21, he informed Mr. Otepka, through intermediaries, that he would not allow Mr. Otepka back as an "active security officer". He also asked Mr. Otepka to indicate to him any other "alternative remedy" on the understanding Mr. Otepka would not remain in security work. Mr. Otepka's terms were communicated to Secretary Rogers through intermediaries, in the form of a memorandum, January 24, ostensibiy addressed to Mr. Otepka's lawyer, Roger Robb.

The source revealed that Mr. Rogers chose this course of action in regard to Mr. Otepka because he is aware that the Senate Internal Security Subcommittee is planning new hearings on State Department security. The reinstatement of Mr. Otepka to security work would be hailed by the public and the Senate Internal Security Subcommittee as an admission by the State Department that "executive privilege" could not be invoked by it in forbidding its employees to "tell the truth" during testimony before Congressional Committees. Thus Secretary Rogers could not refuse "authorization" in the future to any State Department employee to testify truthfully and fully under oath on State Department practices.

Regarding Mr. Otepka, Mr. Rogers was reported saying he feared especially that, if re-instated and again ordered to testify under oath, Mr. Otepka would again proceed to tell the Subcommittee the "truth" about the current state of the State Department's security clearance program, including such matters as the disappearance of classified information from the security files of Ambassador Jacob Beam and of Helmut Sonnenfeldt, until January 20 an employee of the Department of State. Mr. Sonnenfeldt, about whom controversy is raging secretly within the intelligence and security communities, was recently appointed by Dr. Henry Kissinger to join him on the staff of the National Security Council located in offices next to the White House.

EXECUTIVE PRIVILEGE

As defined and expanded by Secretary Rogers when he was Attorney General, "executive privilege" is the doctrine that the executive branch of the government has the "right to refuse" to give Congress any document that includes either an advice, a recommendation or a conclusion. These documents therefore include all personnel actions involving the selection, promotion, demotion, transfer, dismissal or reprimand of any federal employee, if such action involves advice, recommendation or a conclusion from or by any federal officer.

Although he admitted as Attorney General that the Constitution did not explicitly give the executive departments such "power to refuse", Secretary Rogers nevertheless contended the executive branch had "an inherent right" to refuse to give testimony or produce records. In fact, he went much further and insisted that Congress could not even pass a law to require or force the executive department to produce such records, and that any such laws already on the books were not binding on the executive branch. In short, under this interpretation by Attorney General Rogers, Congress was impotent versus the "executive privilege", even if it was being invoked to "protect" or to "cover up" or to "white wash" executive actions.

In addition, Secretary Rogers claimed that the so-called independent regulatory agencies, including the Federal Communications Commission, the Securities Exchange Commission, the Federal Trade Commission, the Federal Power Commission, also had the "right" to invoke "executive privilege."

On the basis of this extreme definition of "executive privilege", no Federal employee would have the "right" to "tell the truth" or produce records on any substantive subject unless he had the prior approval or "authorization" from his superiors, the source commented.

CONGRESSIONAL RIGHTS

The doctrine of "executive privilege", as espoused by Mr. Rogers when he was Attorney General and as he is now re-asserting it to President Nixon in the cases of Ambassador Beam, Otto Otepka and Helmut Sonnenfeidt, is expected to lead to a "Constitutional storm and crisis" in the next six months, the source said, "unless President Nixon backs away from this exaggerated claim of executive privilege". Either Secretary Rogers will have to change his point of view radically or the battle between the legislative and executive branches of the Federal Government will become "irrepressible", the source concluded.

H.R. 6787

A bill to amend sections 1505 and 3486 of title 18 of the United States Code relating to congressional investigations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1505 of title 18 of the United States Code is amended by inserting "(a)" before "Whoever" at the beginning thereof and by adding at the end thereof the following new subsection:

"(b) Whoever as an officer of the United States or of any department or agency thereof causes or attempts to cause a witness, who is a member of the Armed Forces of the United States or an officer or employee of the United States or of any department or agency thereof, to be demoted, dismissed, retired, or otherwise disciplined on account of his attending or having attended any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress, or on account of his testifying or having testified to any matter pending therein, or on account of his testimony on any matter pending therein, unless such testimony discloses misfeasance, malfeasance, dereliction of duty, or past reprehensible conduct on the part of such witness, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"The demotion, dismissal, or retirement (other than voluntary or for physical disability) of such witness within one year after attending or testifying in such inquiry or investigation, unless such testimony discloses misfeasance, malfeasance, dereliction of duty, or past reprehensible conduct on the part of such witness, shall be considered prima facie evidence that such witness was demoted, dismissed, or retired because of such attendance or such testimony."

SEC. 2. Section 3486 of title 18 of the United States Code is amended by inserting "(a)" before "No" at the beginning thereof and by adding at the end thereof the following new subsection:

"(b) No witness, who is a member of the Armed Forces of the United States or an officer or employee of the United States or of any department or agency thereof, shall be demoted, dismissed, retired, or otherwise disciplined on account of testimony given or official papers or records produced by such witness before either House, or before any committee of either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of Congress, unless such testimony is given or such official papers or records are produced in violation of law, or unless such testimony or the production of such papers or records discloses misfeasance, malfeasance, dereliction of duty, or reprehensible conduct on the part of such witness."

[From the CONGRESSIONAL RECORD, Apr. 26, 1951]

PROTECTION OF COMMITTEE WITNESSES FROM DISCHARGE BY SUPERIOR OFFICERS

Mr. NIXON. Mr. President, on behalf of myself, the senior Senator from Ohio [Mr. TAFT] the Senator from Nevada [Mr. MCCARRAN], the Senator from Nebraska [Mr. WHERRY], the Senator from Kansas [Mr. SCHOEPPEL], the junior Senator from Ohio [Mr. BRICKER], and the Senator from Wisconsin [Mr. MCCARTHY], I introduce for appropriate reference a bill to amend sections 1505 and 3486 of title 18 of the United States Code relating to congressional investigations. I ask unanimous consent that I may be permitted to make a brief statement in connection with the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the Senator from California may proceed, as requested.

The bill (S. 1390) to amend sections 1505 and 3486 of title 18 of the United States Code relating to congressional investigations, was read twice by its title and referred to the Committee on the Judiciary.

Mr. NIXON. Mr. President, I have introduced in the Senate today a bill to make it a violation of law for any officer of the Federal Government to dismiss or otherwise discipline a Government employee for testifying before a committee of Congress.

In the next few days congressional committees will open hearings on our far-eastern policy, the conduct of the Korean War, and the dismissal of General MacArthur by the President. It is essential to the security of the Nation and the very lives of the people, as we look into these vitally important issues that every witness have complete freedom from reprisal when he is given an opportunity to tell what he knows.

There is too much at stake to permit foreign policy and military strategy to be established on the basis of half truths and the suppression of testimony.

Unless protection is given to witnesses who are members of the armed services or employees of the Government, the scheduled hearings will amount to no more than a parade of yes men for administration policies as they exist.

The bill I have introduced is designed to assure any member of the Armed Forces or other officer or employee of the Government who can offer pertinent and constructive testimony that he can speak the truth without our suffering the fate of Admiral Denfeld on account of such testimony.

LINCOLN, THE READER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. SCHWENGEL. Mr. Speaker, the Lincoln group of the District of Columbia, at its annual meeting had the opportunity recently to hear Mr. David J. Harkness present an excellent dissertation entitled, "Lincoln, the Reader."

Mr. Speaker, I have heard and read many fine speeches on the subject of the literary talents of Lincoln and the background of his reading, but none better than this speech given by Mr. Harkness. In addition, there have been many books published on this subject, all of which were very enlightening and give an impressive insight into the character of Lincoln, by way of his association with literature. This is a very fine contribution to the Lincoln literature, and I am inserting it in the RECORD where others many benefit from this magnificent dissertation.

I should add that Mr. Harkness is the director of the department of program planning and library services at the University of Tennessee.

The address follows:

LINCOLN, THE READER

(By David J. Harkness, director of program planning and library services, University of Tennessee, Knoxville)

A famous educator once came to the White House to see President Lincoln in support of a fellow educator who was seeking a government post. "No man," he explained "has plunged deeper into the fountain of learning." "Nor come out drier," said Lincoln. Mr. Lincoln once said of a long-winded lawyer: "He can compress the most words into the smallest ideas of any man I ever met," Lincoln, on the other hand, could say more in fewer words than any figure, perhaps, in American history. For instance, he gave us a capsule book review: "For those who like this kind of book, this is the kind of book they will like."

The familiar picture of young Abe Lincoln reading by an open fire reminds us that it is only natural that the man who was noted for his gift of storytelling should have found enjoyment in fictional writing. Three books which tell a story were read and re-read by the youth in Indiana—"Robinson Crusoe," "Pilgrim's Progress," and "Aesop's Fables." Defoes classic held the same fascination for Lincoln that it has had for all boys who love adventure. It is believed that the Second Inaugural Address shows the influence of Bunyan's famous leave-taking of Christian in his great allegory. Lincoln's lifelong interest in telling a story to illustrate a point seems to have sprung from his reading of the fables of the Greek slave. During this same period in Indiana he borrowed a copy of the "Arabian Nights" from a neighbor, David Turnham, and fell under the spell of the Oriental enchantment of Sinbad the Sailor.

Years later Lincoln was to delve into another treasure house of narrative. In 1860 during a stay at a hotel in Bloomington, Illinois, while in attendance at court, it was noticed that he was absorbed in a book while eating his meals. When Julius H. Royce in-

quired about his absorption, Lincoln replied: "I am reading Homer, the 'Iliad' and 'Odyssey.' You should read him. He has a grip and he knows how to tell a story." In 1864 Lincoln drew Chapman's translation of Homer from the Library of Congress in order to renew his zestful pleasure in this classic. This type of reading no doubt belped mold his style and gave him "the Attic simplicity and Hellenic elevation of his closing and deathless utterances," as Talcott Williams expresses it.

During the New Salem years he read two of Cooper's "Leatberstocking Tales"—"The Pioneers" and "The Last of the Mohicans." Just as the growing lad on Pigeon Creek in Spencer County, Indiana, knew the domestic animals which were a part of every frontier home, and also the wildlife of wood, field, and stream, and was thus better able to appreciate the fables of Aesop, so the man reading a book on the banks of the Sangamon River in Illinois also had firsthand acquaintance with nature in the pioneer environment and was well prepared to re-create the setting of Cooper's novels. Noah Brooks says, "He had seen something of the fast-receding Indian of the American forests, and he had heard, many a time of his father's thrilling escape from the red man's clutches, and of his grandfather's cruel deatb in the Kentucky clearing; and when he withdrew his fascinated attention from the vivid pages of Cooper's novels, he almost expected to see the painted savages lurking in the outskirts of the forest so near at hand."

As he grew older Abe developed a liking for short stories rather than novels. Rufus Rockwell Wilson says: "Lincoln, an occasional reader of fiction, seems to bave preferred the short story to the novel or romance of average length." Howard Haycraft says that William Dean Howells' campaign biography served to establish Lincoln as the first of the countless eminent men who have turned to the detective story for stimulation and solace. Howells made this statement regarding Lincoln as a mystery fan: "The best of his mind is mathematical and metaphysical, and he is therefore pleased with the absolute and logical method of Poe's tales and sketches, in which the problem of mystery is given, and wrought out into everyday facts by processes of cunning analysis. It is said that he suffers no year to pass without the perusal of this author." It is interesting to note that Abraham Lincoln and Edgar Allan Poe were born in the same year and that eaeh suffered a tragically premature death.

Lincoln's law partner, William H. Herndon, was an omniverous reader and often gave Abe books to read. He bought one of the first eopies of "Uncle Tom's Cabin" offered for sale in Springfield and it is altogether probable that Lincoln read it in whole or in part. Henry B. Rankin said, "Mrs. Stowe's 'Uncle Tom's Cabin' moved him deeply while reading it." In 1862 the Lincolns drew from the Library of Congress a copy of Mrs. Stowe's "Key to Uncle Tom's Cabin." When Harriet Beeeher Stowe called on the President at the White House that year, Lincoln walked toward ber with outstretched hands and greeted her: "So you're the little woman who wrote the book that made this great war."

Herndon says that his partner never read a novel in its entirety. He states that while Lincoln began Scott's "Ivanboe" be did not finish it, and that he refused to read Bulwer-Lytton and Dickens. But Billy may not have been accurate in this statement. While he may not have read "The Last Days of Pompeii" or "Oliver Twist," Oliver R. Barrett was convinced that Lincoln read Dickens' "Pickwick Papers," basing his belief on the President's familiarity with the character of Sam Weller. Certainly the humor in that book is of a kind that Lincoln would have enjoyed. The Library of Congress records show that the "Pickwick Papers" was taken out on the Lincolns' card in 1864 and that Bulwer-Lytton's "The Caxtons" was charged to the President's family in the same year. Once, when speaking of Charles Dickens, Lincoln said: "His works of fiction are so near reality that the author seems to have picked up his material from actual life as he elbowed his way through its crowded thoroughfares." Maybe be was familiar with "David Copperfield" to the extent that be understood what Salmon P. Chase meant when he wrote of the President's "Micawber policy of waiting for something to turn up."

Herndon telis us that at New Salem Lincoln read Caroline Lee Hentz's novels of Southern life, but one wonders if he found them very entertaining. M. L. Houser, commenting on a copy of Mrs. Hentz's "Linda or the Young Pilot of the Belle Creole" in his collection of books whieh Lincoln read, observed that readers of this novel are "expected to weep over an angelic heorine, a weak father, a cruel stepfather, a designing stepbrother and a hero who twice rescues Linda from death at their first two meetings (and still the villain pursued her)." Houser said that some remark whieh Lincoln made in a speech indicated a close acquaintance witb "Don Quixote" by Cervantes. Wilson says that Lincoln read this classic in the White House, that he gratefully recognized a kindred spirit in the wise and gentle Spaniard and gave many an hour to the adventures of his melancholy knight. Thus the man of many moods—jovial, sad, outgoing, brooding—found reflected in fiction the elements of his own temperament. It is no wonder, then, that Lincoln said: "My best friend is the man who will get me a book I have not read." One day he heard of someone in Rockford, Illinois, twenty miles away, who had a book he wanted to read. Abe walked the twenty miles to Rockford and back. There was no lack of physical energy when he wanted something badly enough—like a book he had not read.

Books were scarce in the sparsely settled woodlands of Illinois, but Lincoln once told one of his friends that he guessed he had "read every book he had ever heard of in that country for a circuit of fifty miles." In a letter to John M. Brockman dated September 25, 1860, Lincoln wrote: "Get the books and read, and study them carefully." He had earlier said, "I shall study and work—and maybe my chance will come." He was a good example of adult education, based on intensive reading in a variety of subjects—a true product of the library. O. H. Browning, a fellow lawyer, said: "Lincoln was always a learner, and in that respect the most notable man I have ever seen."

Lincoln's great love was the Bible, which he called "tbe best gift God has given to men." He read it constantly, and his familiarity with its contents far exceeded that of many clergymen. His speeches are filled with Biblical phrases and thoughts. He once wrote to his Louisville, Ky., friend, Joshua Fry Speed: "I am profitably engaged in reading the Bible. Take all of this book upon reason that you can, and the balance on faith, and you will live and die a better man." He frequently read biographies of the founding fathers, including Ramsey's "Life of Washington," Wirt's "Life of Patrick Henry," Flint's "Life of Daniel Boone," Weems' "Life of Washington" and "Life of Francis Marion," and Franklin's "Autobiography."

In his lifetime poetry had a wide audience and books by popular poets became best-sellers. But Lincoln turned to poetry much more than did the average man and his knowledge of it was marked not only by good taste but by familiarity. With him, to like a poem was to memorize it, to recite it, use it, and quote it on repeated occasions. His powers of memory were extraordinary and his ability to recite poetry with telling effect was confirmed by many who heard him. The thoughts and philosophies of the poets were reflected in the President's life and spirit, inspiring and comforting him. Mrs. Lincoln once said to Billy Herndon: "I never saw a man's mind develop itself so finely. Mr. Lincoln had a kind of poetry in his nature." Rankin believed that Mrs. Lincoln's appreciation of the best in literature, and the books they read together in the home, were forceful stimulants to Lincoln's intellectual life.

Lincoln once said, "The things I want to know are to be found in the pages of a book." Anything that looked like a book was "grist for his mill." From books he could learn the answers to questions which puzzled him or could absorb fine literature written by brilliant men for tbe entertainment and enlightenment of mankind. In a speech before the Wisconsin State Agricultural Society in Milwaukee on September 30, 1859, he said: "A capacity and taste for reading gives access to whatever has already been discovered by others. It is the key, or one of the keys, to the already solved problems. And not only so. It gives a relish and facility for successfully pursuing the unsolved ones." It is known that Lincoln spent much time in the Library of Congress when he was in Washington, so much so that a fellow Congressman said, "Bah! He is a book-worm!"

Contemporaries of Lincoln in Illinois stated that he usually kept a copy of Shakespeare's plays in his pocket when he was traveling over the circuit and that he read them during spare moments. He could quote long passages from tbe Bard of Avon. His secretary, John Hay, said that Lincoln read Shakespeare more than all other writers together and that he went occasionally to the theater. He said Lincoln's favorite plays were "Hamlet", 'Maebeth", and the histories, especially "Richard II. He spoke of a time when the President read passages from "Henry V" and "Richard III" to him. He would read Sbakespeare for hours "with a single secretary for audience," Hay said. Lincoln seems to have had Shakespearean quotations on his tongue on many occasions. He once said to a delegation which invited him to a Shakespearean celebration by a literary society: "For am I not a fellow of infinite jest?" In all probability Lincoln had a deeper appreciation of Shakespeare than any other statesman of his time. William Dean Howells in his campaign biography wrote: "He is also a diligent student of Shakespeare, to know whom is a liberal education."

Next to Shakespeare, Lincoln liked Robert Burns best. The Railsplitter and the Plowman were much alike, with similar backgrounds of the frontier youth of Illinois and the peasant poet of Scotland. Milton Hay said Lincoln could quote Burns by the hour and James H. Matheny, who served as best man in his wedding, said Abe learned a number of Burns' poems by heart and often recited them. "He found in Burns a like thinker and feeler," he said. Lincoln delivered a lecture on Burns in Springfield on January 25, 1859, at a banquet in Concert Hall celebrating tbe one hundredth anniversary of the Scottish poet's birth. When he was President he was guest at the annual banquet of the Burns Club in Washington, and when he was asked for a toast to be presented on his behalf he wrote these words: "I cannot frame a toast to Burns. I can say nothing worthy of his generous heart and transcending genius. Thinking of what he has said, I cannot say anything which seems worth saying. A. Lincoln." He especially liked "A Man's a Man for A' That," the poem which is said to have inspired the writing of the Emancipation Proclamation. Lincoln once said, "The better part of one's life consists of his friendships," and certainly Burn's "Auld Lang Syne" was a favorite all his life.

Lincoln's favorite poem was written by a young Scottish poet, William Knox, who died in 1825. In 1831 while living in New Salem Lincoln first saw "Mortality or O Why Should the Spirit of Mortal Be Proud?" in a newspaper. In 1846 he sent a copy to a friend and later wrote: "Beyond all question I am not the author. I would give all I am worth and go in debt to be able to write so fine a poem as I think that is. Neither do I know who is the author." But when he was President he learned the identity of the poet from Gen.

OTTO OTEPKA—PERSECUTION UNRELENTING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1969

Mr. RARICK. Mr. Speaker, millions of Americans—among them, those employed under civil service—have followed with great interest the case of Otto Otepka—a dedicated civil servant whose only crime was unswerving loyalty to his country.

Most had hoped that with the change of political alinement Mr. Otepka would be restored to his former position. They are aware that at this critical period in our history, we are sorely in need of men with his knowledge and devotion to America.

Failure to restore Mr. Otepka can but be interpreted that the new "team" is dishonoring its commitment to the American people to restore confidence in the State Department.

Mr. Speaker, I place a portion of the current status of the Otepka case, which appeared in the Government Employees Exchange for February 5, 1969, at this point in my remarks so that all of our colleagues may be apprised of what appears to be the latest move to try to break this courageous man:

ROGERS VETOES NIXON OTEPKA CASE REVIEW—OTEPKA SETTLEMENT PROPOSED FOR DROPPING WIRETAP PROBES

In a surprise move reversing completely campaign promises by President Nixon to re-examine thoroughly the Otto F. Otepka case, Secretary of State William P. Rogers let Senator James Eastland know that he does not want Otto F. Otepka to return to his former status as an active security officer in the State Department, this newspaper was informed by a top Senate aide on January 28.

The aide understood that Mr. Otepka might be re-instated "in title" to indicate that in the eyes of the Nixon administration he had been "vindicated and exonerated". However, Mr. Otepka would be given no important security cases to review and he would have to abandon his quest to identify publicly the persons who placed compromising material into his "burn bags" and who ordered the "wire-tapping" of his telephone.

The practical effect of this decision is that Secretary Rogers has thereby endorsed Secretary Rusk's contention that Mr. Otepka is himself now to be regard as a security risk so far as the position of security officer in the State Department is concerned, the aide commented.

Ironically, Secretary Rogers' decision was communicated to Senator Eastland only a very short time after the issuance of a new security clearance to John Paton Davies by Under Secretary of State Nicholas deBelleville Katzenbach, the source said. This action was interpreted as reversing the action of Secretary of State John Foster Dulles who had ordered Mr. Davies dismissed from the Foreign Service in 1954 as a security risk.

THE MODALITIES

On January 29, another source, personally close to Secretary Rogers, confirmed that "modalities of communication" had been worked out "through intermediaries" between Secretary Rogers and Mr. Otepka.

After obtaining categoric assurances from this newspaper that his identity would not be revealed, this source stated that Secretary Rogers had chosen this course of action, which repudiated President Nixon's campaign promises, after "talks with Secretary Rusk during the transition period." From these talks it became clear to Secretary Rogers that any effort to identify the persons who ordered the "planting" of compromising material in Mr. Otepka's burn bags and who received the tapes of the wiretap of Mr. Otepka's telephone would lead to a "rupture" with Mr. Rusk. This "rupture" would bring the "wrath of the *New York Times* and *The Washington Post* down on Mr. Nixon", the State Department source said.

In addition, the facts now available to Secretary Rogers indicate that the "Kennedy forces would be aroused on Capitol Hill and Sargent Shriver might resign as American Ambassador in Paris", the source stated.

Under these circumstances, Secretary Rogers "hopes" Mr. Otepka would accept a "settlement" vindicating his public honor but not returning him to substantive work.

OTEPKA "COVERED"

Asked why Secretary Rogers thought Mr. Otepka should be agreeable to accepting the "shadow but not the substance" of vindication and restitution, the source said that the State Department had been "keeping tabs" on Mr. Otepka and his associates and Mr. Otepka had been "covered" by hundreds of reports from informers, private detectives, FBI agents, CIA operatives as well as a "surprisingly large number of other persons whom Mr. Otepka regards as his friends and in whom he confides."

From these reports it now appears that Mr. Otepka is both "financially and emotionally exhausted" and was ready to give up the fight for the "substance" of his job, provided the "shadow" of vindication was extended to him. Even more important, the source confided, the Department has received repeated indications that Mr. Otepka's attorney, Roger Robb, was weary of the case and had complained to colleagues that he was losing money by having to turn down more lucrative clients because of the time he had to devote to the Otepka case. The Department knows positively that Mr. Robb is personally "most loath" to go into a long and time-consuming court fight, the source revealed.

THE SETTLEMENT

"The settlement toward which Rogers is groping", the source continued, is to re-instate Mr. Otepka first to his previous civil service grade, from which he was demoted, and then to grant him retroactively his grade-step pay increases. After this, Mr. Otepka would be paid under the settlement for the leave without pay he had taken.

Finally, Mr. Otepka would be re-instated as the Chief Security Evaluator and shortly thereafter "detailed" to some "honorific" job which removed him from an active role in security. Following this, if Mr. Otepka desired, he could be "detailed" or "transferred" to some other Department or Agency or his job "abolished through reorganization", entitling him to immediate retirement if he chose.

TIMING THE CASE

The "timing of the settlement of the case", the source revealed, is presently linked to coincide with the announcement of the departure of Idar Rimestad as Deputy Under Secretary of State for Administration. By "linking the disposition of the Otepka case to the departure of Rimestad", Secretary Rogers hopes to assuage the disappointment and grievance of such supporters of Mr. Otepka as Senator Strom Thurmond and Congressman John Ashbrook who had complained to President Nixon about Mr. Rimestad's retention, the source revealed.

"Mr. Rimestad's head will be the sacrificial offering made to Mr. Otepka's followers", the source revealed.

FDA'S ACTIONS: UNBELIEVABLE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1969

Mr. WYATT. Mr. Speaker, ideally this Federal Government of ours should function to aid and serve our Nation's people. If it loses sight of this single objective it cancels out the reason for its existence.

The Food and Drug Administration, as an agency of this Government, has been entrusted with the important responsibility, among others, of protecting the American public from dangerous or ineffective drugs and medicines. Should it cease to do this it is flying in the face of Congressional intent and negating the very reason for its existence.

When the FDA begins, as it has, to interpret the law and its authority in a manner that hinders the practice of medicine it is acting against the people's welfare. When it assumes powers it does not legally have, or takes on duties that are only questionably under its jurisdiction, and uses these powers and duties to actually harm our public it is directly abusing the trust placed with it.

With an incredible, bureaucratic insensitivity to the needs of this Nation, the FDA, more and more, is interpreting its powers to the detriment of our people, and is impinging on the practice of medicine to the point of becoming an absolute hindrance to that practice.

Instead of making an extra effort to use its evaluative and regulatory authority over drugs in a rational and positive manner, it seems the FDA is working toward exactly the opposite extreme. In many cases it appears it is using its power to pick petty points to death, to discard rational evaluation and regulation of drugs altogether, and simply to abuse the medical profession for no purpose except abuse. Such a method of handling its Federal duties is starkly dangerous to the health of the American people.

It is inconceivable that this turn of events should have come about as the specific intent of anyone in the Food and Drug Administration. It seems, rather, that circumstance and the ingrown emphasis on procedure rather than substance in that agency's growing bureaucracy have led to this sorry state.

The fact is that the FDA has too immense and important a set of tasks to perform for the present size of that organization. It is simply overwhelmed with procedure and paperwork. As its duties have expanded, as Congress has asked it to accept more and more responsibility, the FDA's actual ability to handle these chores efficiently has decreased in direct proportion to the increase in authority.

A major overhaul of the Food and Drug Administration is long overdue. Immediate reorganization of the agency is a necessity if the health of 200 million Americans is not to be drastically endangered. The delays and abuses of the

burgeoning FDA bureaucracy must be eliminated. Efficient and professional handling of drug evaluation and control is an absolute must.

Legislation is currently being prepared to deal directly with this problem by restructuring the FDA's entire drug evaluation mechanism. The matter has become one of great national concern.

An editorial in the January 30th issue of the Medical Tribune presents this problem in clear and succinct language. I present that editorial at this point in the RECORD:

UNBELIEVABLE

We recently received a letter from a dermatologist in New Haven, Conn., who enclosed the following communication that he had received from the technical manager of a pharmaceutical manufacturer: "Your letter requesting samples of the ingredients in our Mycolog Cream has been referred to me.

"Until about a year ago we were pleased to be of service to the medical profession by furnishing samples of the ingredients in this product for patch testing. However at that time we received a notification from the FDA that 'the furnishing of components of this product for use in hypersensitivity testing will require a Notice of Claimed Investigational Exemption for a New Drug for each component so used.' Completed and signed forms are required both from the investigator and the supplier and results of the study must be reported to the FDA. As you may imagine, this constitutes a prohibitively laborious procedure for both you and Squibb. Although we have protested to the FDA, we are presently unable to furnish components of products for hypersensitivity testing. We are very sorry."

The dermatologist described the situtaion as unbelievable and went on to say, "In this case FDA technicalities interfere with good practice of medicine."

Does the law require the FDA to behave in this fashion? We ourselves do not think so, but, conceivably, it is possible to interpret the law as requiring this unseemly behavior. But why should the FDA, whose purpose, we are assured, is that good medicine be practiced to protect the public, make such an interpretation of the law? Does the FDA believe that Congress wanted the law to bear such an interpretation? Surely not. Does the FDA believe the public wants the law interpreted in this fashion? We find this inconceivable. Does the FDA believe that the courts would want the law interpreted in this fashion? But if the FDA without any folderol permitted a manufacturer to provide a physician with the constituent ingredients of a preparation so that he could skin test a patient, who, in heaven's name, would bring this to court as a violation of the law? The patient? The pharmaceutical manufacturer? The physician himself?

The situation is, unhappily, believable, but it is also deplorable. If, for whatever misguided reasons, the FDA believes it is compelled to interpret the law in the fashion described, then it ought to hotfoot it to Congress and ask that the law be amended so that this nonsense is stopped, once and for all. When the practice of good medicine is made difficult by administrative barriers, it is the responsibility of the FDA to promptly eliminate them.

RALPH McGILL

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1969

Mr. FULTON of Tennessee. Mr. Speaker, Mr. Ralph E. McGill, a native Tennessean and one of the outstanding voices of the Southern conscience, has died.

Mr. McGill received the Pultizer Prize in 1958 for his editorials opposing racial injustice in the South and denouncing Ku Klux Klan violence.

His strong voice calling for reason and justice and his clear insight into the social problems of the South and the entire United States will be missed by all of his friends and admirers.

Mr. McGill, born on a farm 10 miles from the community of Soddy, Tenn., attended Vanderbilt University in Nashville and worked for a time as a sports writer for the Nashville Banner. He joined the staff of the Atlanta Constitution in 1929, and served as a writer, executive editor, editor, and then publisher.

He gained fame as an advocate of racial justice in the South and that fame he richly deserves. But, Mr. Speaker, we should all remember that it was Mr. McGill's devotion to the principle of justice in the face of strong, dedicated and vocal opposition that set him apart. And it was his continued dedication to the principle of justice that made his voice one of importance for all of our Nation.

Mr. McGill has been praised by political, social, and business leaders of the Nation and his loss to the Nation has been well documented. But the people of the Nation who will miss his call to equality will be the poor, the unwanted, the unrepresented.

Mr. Speaker, these few words cannot do justice to the leadership Mr. Ralph E McGill gave so freely to our Nation. The greatest tribute the Members of this body can pay to his memory is to honor his commitment to conscience and justice.

SP4C. FRANK J. MARCONI, U.S. ARMY, KILLED IN VIETNAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1969

Mr. OTTINGER. Mr. Speaker, it is my sad duty to report that another one of my constituents, Sp4c. Frank J. Marconi, U.S. Army, of Carmel, N.Y., died in Vietnam last month.

I wish to commend the courage of this young man and to honor his memory by inserting herewith, for inclusion in the RECORD, the following article:

[From the Evening Star, Peekskill (N.Y.) Jan. 28, 1969]

PUTNAM SOLDIER KILLED IN VIETNAM

CARMEL.—Army authorities last night disclosed that Sp. 4 Frank J. Marconi, 19, a member of Troop "C," 1st Squadron, 4th Calvary, of 44 Everett Road, Carmel, had been killed in action in Vietnam. He had previously been listed as missing.

His regiment is attached to the 1st Infantry Division in its operations against Viet Cong in central portions of the Republic of South Vietnam.

He is the son of Mr. and Mrs. Frank A. Marconi, formerly of Yonkers, who purchased and moved to the community about a year ago. In addition to his parents he is survived by two younger brothers, who attend the local public schools.

Acoording to an Army spokesman, the family has indicated funeral services and interment will be in Yonkers, when the soldier's remains arrive in this country.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1969

Mr. SCOTT. Mr. Speaker, each month we send out a newsletter to all residents of the Eighth District of Virginia who have expressed an interest in receiving a report from the Congress and each year we send a questionnaire and a copy of the newsletter to every home in the eighth district by addressing the patrons of each of our post offices.

The response in the past has been very good and I am hopeful that the people of the Eighth District of Virginia will respond to the 158,000 postal patron mailings going out to them this week.

A copy of the newsletter and the questionnaire is inserted at this point in the RECORD for the information of my colleagues:

YOUR CONGRESSMAN, BILL SCOTT, REPORTS

THE PRESIDENT

It was good to have so many of you who attended the Inauguration ceremonies at the Capitol on January 20 stop by the office and visit both before and after the swearing in of our new President. Mr. Nixon appeared to say the things that people wanted to hear and I believe his speech fitted the mood of the day. Certainly we hope that his leadership during the next four years will conform to the good beginning.

LITTLE ACTIVITY IN CONGRESS

Only minor matters have been considered since Congress convened. However, most committees have now been constituted, cabinet officers have been confirmed and more important matters will probably be considered after the Lincoln Day recess. Our office has been attempting to utilize this lull by introducing measures of interest and by laying the foundation for favorable consideration of these measures.

PRINCE WILLIAM COUNTY PROJECT

A bill introduced late in last year's session was approved by the House District of Columbia Committee but did not reach the floor for consideration. Therefore, this measure has been reintroduced and I am hopeful that it will receive early and favorable consideration by the House. The measure authorizes the Government of the District of Columbia to convey to Prince William County 350.4 acres of land adjoining the Potomac River at Featherstone Point approximately 27 miles downstream from Washington. I visited the property a few days ago with county officials and they are unanimous in desiring that title be obtained as soon as possible. Of the total, 158 acres will be used for recreational purposes, 25 acres for a water pollution control plant and the remaining 167.4 acres of marsh land will be diked and made available for a sanitary land fill for both Prince William County and the District of Columbia County officials advise that the marsh land will be filled within a few years and this land will then also be available to meet local recreational needs in this fast growing county.

WASHINGTON AREA TRAFFIC

Commuting to and from Washington has become increasingly difficult over the years